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ORIGIN AND GROWTH OF CIVIL LIBERTY IN MARYLAND.

A DISCOURSE

DELIVERED BY

GEO. WM. BROWN,

BEFORE THE

Maryland Historical Society,

Baltimore, April 12, 1850,

BEING THE

FIFTH ANNUAL ADDRESS TO THAT ASSOCIATION.



BALTIMORE:
PRINTED BY JOHN D. TOY,
Corner of Market and St. Paul-sts.

1850.

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MR. PRESIDENT AND

GENTLEMEN OF THE HISTORICAL SOCIETY:

IN this age and country we do not much love to contemplate the past. The legends and time-honored traditions which form so large a part of the intellectual store of many nations have no place in our literature. Society is so constituted that most of us seek and therefore find little leisure for rest or recreation, and still less for looking backward. Every hour brings with it so much engrossing labor, or such a variety of pursuits and cares, and the age is so crowded with startling events, that the transactions of the present time only, seem to be worthy of our serious attention, and, contrasted with them, those of the past fade into insignificance as if they were mere shadows and unrealities.

Twice a day the never resting press spreads before our eyes the current history of the whole civilized world. Not a battle is fought, nor a dynasty subverted, nor does any other event of real or supposed importance happen any where within the outermost boundaries of civilization, but the account speeds back to us faster than the winds can waft it, borne aloft over land and ocean by the mighty arm of steam, or shot through the wires of the telegraph with a rapidity so great that it defies calculation. As the sun in the short cycle of twenty-four hours looks down upon the inhabitants of the whole earth, making one and the same solar day for all, so we, by the wonderful agency of steam and magnetism, may be almost said to live on the same actual day in the midst of events which occur among other people and in distant lands. A happy effect of this wonderful circulation of thought and intelligence is, doubtless, to expand our views beyond the narrow confines of our own homes and country, and to enlarge our sympathies so as to enable us to embrace within them the interests of the whole human family,

but its effect also is, to concentrate our thoughts still more intensely upon the occurrences of the present time to the exclusion of the past.

The existence of this Society and of associations of a similar kind, which have recently been established in many of the States, and the encouragement which they have received, amounting to something more than a permission to live, may be regarded as a favorable omen. They not only embody in themselves a protest against the practical and utilitarian spirit of the times, but are an evidence of a reverent desire on the part of their members to do justice to the memory of our forefathers who have left us so largely their debtors.

No people are connected with the past by stronger and more endearing ties than ourselves, although, at first sight, it might seem to be otherwise. We justly attribute to the free institutions of our country the extraordinary prosperity which as a nation we have always enjoyed;—but whence came those institutions? The distinctive character which they possess was impressed upon them at a recent period, but their origin lies hid in the distant past, and they were developed slowly and gradually by the events of many centuries. It may be said of them as has been said with reference to the intellectual treasures which we possess, that we who now live,

“ Are the heirs of all the ages,
In the foremost ranks of time.”

All history shows that few things are of slower growth than civil liberty, and that it is easier either for individuals or nations to submit to be ruled by others, than to learn to control themselves. In some measure we, as a people, have learned the duties of self-government, and to practice them, under the favorable circumstances in which we are placed, seems to be so easy, that we can hardly comprehend that the habit was acquired by slow degrees and a transmitted experience. If we had attempted the experiment for ourselves, without the benefit of the instruction which we have derived from those who preceded us, we should have failed signally as others have done.

In order to establish a republic, much more is required than to set men free from the bonds of despotism, and to put the reins of authority in their own hands. Nor is it enough that the true interest of all requires that law and order should be the unvarying rule, nor even that a liberal and wise written constitution should be solemnly adopted. Our sister republics on this continent, if indeed such travesties of free

governments can be called republics, furnish an instructive lesson on this subject. Spain, while they remained her colonies, endeavored to trample out every spark of freedom, and, now that they have thrown off her yoke, they are not fitted for the new duties which they have assumed.

Nor is the case much better in enlightened Europe. Within a short space of time the old dynasties there have been shaken to their foundations. A veil has fallen from the eyes of men. The divine right of kings to govern, and the heaven-appointed duty of the people to submit to be governed without reference to the general welfare, have come to be regarded as impostures too gross to be seriously maintained out of Russia and Turkey. Even fortifications and standing armies, with which monarchs have been accustomed to hedge themselves round, have, in times of trial, proved, like the rest, a delusion. Late events have shown that in most of the countries of Europe there are destructive agencies at work, quite sufficient to subvert the old governments which have so long elevated the few at the expense of the many. They are permitted to stand, not through their own strength, but because there is not sufficient constructive power in the people to rebuild after a revolution. Men must learn self-control, self-government, before they are prepared to be republicans. True liberty is the farthest thing possible from anarchy and licentiousness. Those who have grown up in bondage can hardly be made to assume the part, and practice the moderation of men educated in the habits of regulated freedom.

Only two of all the men of Israel, who, in Egypt, had been hewers of wood and drawers of water for their tyrannical task-masters, were permitted to assist in laying the foundations of the Jewish commonwealth. Slaves they had been, and had been taught to submit and obey, but self-control, self-denial they could not learn, even from the teaching of their inspired lawgiver. The privations which their new freedom imposed, soon made them pine for their former slavery, and it was not until the old generation had died completely out, and a new and brave race, composed of those who had left Egypt in their youth and those who were born and nurtured in the free air of the desert, had taken its place, that the chosen people were permitted to enter and take possession of the promised land.

The men who laid the foundations of civil liberty, broad and deep, in this their land of promise, were the early colonists and their immediate successors, and they are worthy of all honor from us who have entered

into their labors. They were not fully aware of the consequences destined to result from the work in which they were engaged, but our gratitude is not the less due to them on that account. The real benefits which mankind were to derive from the discovery of a new continent, were not, as was at first supposed, in a large increase of wealth, nor even in finding an outlet for the crowded population of Europe. They were to spring from the new order of things, socially and politically, which has here been developed, and which is fast modifying the civilization of the world. More precious seeds were never sown in the fallow field of time than the English colonies which, in the seventeenth century, were planted along the eastern coast of North America. As the child is the father of the man, as the acorn enfolds within its shell the future oak, as the bubbling fountain gives birth and direction to the mighty river, so those insignificant colonies, the work mainly of individual enterprise, feeble in numbers, neglected in their infancy, struggling for existence against Indian foes, diseases, hardships and privations, contained within themselves principles of liberty, which in their development, naturally produced the free institutions under which we live and which we justly prize as the most valuable of our possessions.

But I pass from these general considerations to the subject to which I desire more especially to call your attention, the origin and growth of civil liberty in Maryland. It is a theme which I cannot hope to make generally interesting, for it will necessarily carry me into somewhat minute details, and, unfortunately, the early records of our State are not only few and scanty in themselves, but are barren of striking and romantic incidents, which are essential to render the pages of history animated and attractive.

The charter of Maryland bears date on the 20th of June, 1632. It was drawn in the lifetime of George Calvert, the first Lord Baltimore, for whose benefit it was designed, but he having died about two months before its execution, it was granted by Charles the First to Cecilius, the eldest son of George Calvert, to whom the title and fortune of his father had descended. Very different views have been taken and earnestly maintained of the true meaning of this instrument. It has been described by some as embodying a scheme of the strongest government known throughout the American Colonies, and has been praised by others as being not only liberal but even democratic in its character, and as making ample provision for the rights of the settlers. This difference of opinion has arisen from the ambiguity of some of its provi-

sions, but I think that it is not difficult to shew that the charter was designed to establish a government resembling that of England in the days of James the First, in which still more extensive powers were vested in the rulers than were claimed by the English executive, and fewer rights were secured to the people, than were then enjoyed in the parent country; and, indeed, it would be strange if it were otherwise, if we consider the source from which it originated. It is generally admitted either to have been the work of the first Lord Baltimore himself, or to have been prepared under his immediate direction, and it bears, in all its parts, the strongest intrinsic evidence that such was its origin. He was first knighted, and afterwards created Baron of Baltimore, by James the First, for about six years was one of his secretaries of state, and, through the life of that arbitrary and capricious monarch, continued to be a favorite. He was twice returned to parliament, in which body he was known as a supporter of the royal prerogative, and as a member of the court party as opposed to the country party. He is universally conceded to have been an able and conscientious man, but it is no reproach to him to say, that his sympathies and opinions, so far as they are known to us, all inclined him to favor a strong rather than a popular government.

The charter conveys, according to specified boundaries, which afterwards and for a long time were the source of much trouble and litigation, "a certain region," "in a country hitherto uncultivated in the parts of America." It was a compact between the sovereign and the proprietary, in which the latter undoubtedly had the best of the bargain, but as the former voluntarily parted with that which to him was of little value, and to which, at best, he had but small right, he certainly had no cause to complain. The grantee and his heirs were made true and absolute lords and proprietaries of the soil, and all that the sovereign reserved to himself was two Indian arrows of the country, to be delivered at the castle of Windsor every year, on Tuesday of Easter week, in token of allegiance, and the fifth part of the gold and silver—the latter, as it proved, a barren right.

The laws and institutions of the province were not required to be submitted to the crown for its approbation, and the right of taxation by it was expressly and forever abandoned. This last was a remarkable provision, and greatly strengthened the popular cause in the subsequent controversy with England, growing out of the right which it asserted of taxing the colonies.

Thus a government almost independent of the parent country, was created by the charter itself.

Maryland was, in the quaint language of the instrument, to be "eminently distinguished above all regions of that territory, and decorated with more ample titles." And to carry out this purpose, the proprietary was clothed with powers almost royal in their character and extent. He was to be the fountain of honor, and was permitted to adorn well-deserving subjects inhabiting within the province, with whatsoever titles and dignities he should appoint, provided only that they were not to be such as were then used in England. There doubtless glittered before the imagination of the proprietary a long line of transatlantic nobility, of which he was to be the acknowledged head and founder. Their functions are not designated in the charter, but we must suppose that they were designed to be appropriate to elevated rank. The proprietary, if he so willed, had the power of establishing the feudal system perfect in all its parts. Express provision was made for manors, lords of manors and manorial-courts. Various manors were in fact granted, and in one or two cases, manor-courts appear to have been held, but this is the extent to which this feature of the charter was in practice preserved. It is, however, doing no injustice to the proprietary to suppose that he designed to create a new and vigorous aristocracy, who would sit as an upper house in the future parliaments which he intended to assemble, would fill the most important offices of the State, and by their wealth, power and dignity would form the surest support and brightest ornament of the vice-royal court, which he and his descendants were authorized to hold in the fair province of Maryland.

The proprietary had the power of creating ports of entry, of erecting towns into boroughs, and boroughs into cities, with such privileges and immunities as he might deem expedient, of pardoning offences, of taking command in chief of the forces, with as full and unrestrained power as any captain general of any army ever had, of declaring martial law, and of granting lands on such terms and tenure, as he thought proper.

He was the source of justice. He had the power of establishing courts, of abolishing them at will, and of determining their jurisdiction and manner of proceeding; and all process from them ran in his name and not in that of the king.

He was not only the head of the executive branch of the government, but he had the power of appointing officers of every description, and of creating and abolishing the offices themselves at his own pleasure.

He was the head of the church. That is, he had the power of erecting and founding churches, and was entitled to the patronage and advowsons appertaining to them.

He had also in certain cases and to a limited extent, the dangerous power of promulgating ordinances which were to have the force of laws; and he also claimed as a part of his prerogative, and occasionally practised, the equally dangerous power of dispensing with laws actually existing.

He was invested with all the royal rights which the Bishop of Durham enjoyed within the County Palatine of Durham, and this among other things gave him the right to all the game within the province.

In the end of the instrument, there is a sweeping clause, that in case any doubt shall arise as to the true meaning of any word of the charter, an interpretation was to be put upon it most *beneficial, profitable* and *favorable* to Lord Baltimore, his heirs and assigns.

Amid this imposing array of powers conferred on the proprietary, those granted to the people were neither numerous nor explicit. The most important right secured to them, was that the laws were to be enacted by the proprietary, with the advice and approbation of the free-men, or more properly freeholders of the province, or of their deputies.* The proprietary understood this clause, to mean that *he* had the right of originating all laws, and that the people had nothing to do but *accept* or *reject* those which *he* might choose to propose.

But whatever may be the true meaning of the charter in this respect, it is clear that the legislative assemblies were to be called together at such times only as the proprietary might prescribe and in such form as he might think best, and he had the power of adjourning and dissolving them at pleasure. Thus their organization was left as indefinite as their functions.

It is a fact worthy of notice, as illustrative of the character of those

* The charter is in Latin, and it has been a matter of doubt whether the expressions "Liberi Homines" and "Liberi tenentes," which are therein used to indicate the same class persons, should be translated Free-men or Freeholders. As, however, the proprietary, by his ordinance of 1681, restricted the elective franchise to persons who were either freeholders or had a given amount of visible personal estate, and as this ordinance was always acquiesced in and became the settled policy of Maryland, it would seem to have been the established construction that all free-men were not as such entitled, by virtue of the charter, to vote for delegates to the General Assembly. If they had been so entitled, none could have been excluded for want of property.—*Charter of Maryland*, §§ 7 and 8; 2 *Bozman's Hist. of Md.* 47 note; *McMahon's Hist. of Md.* 443, note 1.

times in which political rights were comparatively little discussed, that amid all the various and tempting allurements, held out by Lord Baltimore to induce the adventurous to enlist in the enterprise of planting the colony of Maryland, not a word is said of the form of government intended to be established. The conversion of the Indians was presented as a primary object. The land was described as being white unto the harvest, prepared to receive into its fruitful bosom the seed of the Gospel. The air was represented as mild and serene, of a medium temperature between the cold of New England and the burning heat of Florida. The bays and rivers were extolled as abounding in delicious fish, innumerable, the forests as swarming with game, the swine and deer as so abundant that they were troublesome rather than advantageous, and the soil so fertile that it afforded three harvests of Indian corn, or King's corn, as it was then called, in one year. But whether those who were invited to occupy this Western Paradise were to participate in the affairs of government, or to be ruled wholly by others, it was not considered material to communicate.*

If the view of the charter which I have given be correct, the people of Maryland are not mainly indebted to it for the freedom which they have always enjoyed.

We must look elsewhere for an explanation of the fact, and we find it in the character of the men who planted the colony, and the circumstances by which they were surrounded. The colonists consisted of some two hundred, for the most part Roman Catholics. They brought with them stout English hearts, in which were cherished fundamental principles of liberty, learned in a land where four hundred years before, *magna charta* had been extorted by the sturdy barons from the fears of King John, where parliaments met, and where trial by jury was established. They spoke the language in which Shakspeare had written. They belonged to the same period which produced a John Milton, whose "Speech for the liberty of unlicensed printing," rings even now in our ears like the voice of a trumpet. They were part of the same generation which a few years afterwards, appalled all Europe by a spectacle never before seen, the trial, condemnation and execution of an anointed king, for a violation of the rights of his subjects. It mattered little to such men whether their rights were more or less definitely settled by the parchment title under which the land was acquired. The

* See the Report of Maryland prefixed to Father White's narrative.

very ambiguity of the instrument operated in their favor, for it opened wide the door to a construction which became more and more liberal, as their strength and numbers increased. All the circumstances by which they were surrounded, favored the growth of free principles. They had settled themselves in a wilderness, where the artificial distinctions of life, must, to a great extent, be laid aside. The best man was he who was the bravest, the most useful, the most enterprising. All had to labor for subsistence, and nearly all with their own hands. The charter provided for nobles, but none were to be found, for nobles cannot live in a wilderness. There, stars and garters are out of place, and a coat of frieze is worth more than a coat of arms. The inhabitants consisted chiefly of planters, small farmers, mechanics, redemptioners, (or persons who were bound to render personal service for a term of years, to those who had paid the expenses of their emigration,) and a few official personages sent out by the proprietary. Some of them were persons of education and gentle birth, but the majority were doubtless such as usually compose the materials of which colonies are formed, men of little or no means, who go abroad in the hope of bettering their condition. They could not be called poor, for they had the means of comfortable subsistence in abundance around them, but their wealth consisted mainly in their capacity for labor.* The tendency of such men so situated was necessarily and inevitably towards the establishment of freer institutions than were contemplated by the charter. All that they needed was to be left free to work out their own destiny without foreign molestation, and this was secured to them for a considerable time, by the fact that the political and religious contest waged between the contending parties at home,

* The act of 1638, ch. 16, furnishes an illustration of the scanty means of the colonists. A water-mill having become necessary for the use of the people instead of the hand-mills which had previously sufficed to grind their corn, the Governor and Council were authorized to contract for its erection, provided the cost should not exceed 20,000 pounds of tobacco, or \$333 33½ cents, which was to be raised by general taxation in two years. *McSherry's Hist. of Md.* 56. *2 Bozman*, 156. Education was not very extensively diffused among the settlers. The return of the election of a burgess for Mattapanized hundred, dated 14th of February, 1638, was signed by seven persons, of whom only one could write his name, the rest affixed their marks; and out of fifteen persons whose names were subscribed to the return for St. Mary's hundred, seven made their marks. On this Mr. Bozman remarks: "This gross deficiency in literature among our colonists is not however to be imputed to their colonial state. These persons, for the most part, were born and bred in England, and had left their country after the common period of acquiring literary attainments. It was the defect of the age in which they lived." *2 Bozman*, 99.

left the British government little leisure to look after its remote and insignificant colonies.

For about a year after the colony was planted, the settlers were too busily occupied with building, planting, reaping, and the various other labors incident to their new situation, to find leisure for any thing else, but on the 26th of February, 1635, they were called together by the Governor for the purpose of making laws. Various bills were passed, but unfortunately no memorial of them remains, as most of the early records of the colony were seized and carried off to Virginia, in the outbreak known as Clayborne and Ingle's rebellion, where they were either lost or destroyed. But the bills passed never became laws, as the Proprietary refused his assent to them, for the reason, as is supposed, that they did not originate with himself.

The important business of legislation was thus put off for two years longer. In the year 1637 the second legislative assembly was summoned by the Governor, to meet at the little town of St. Mary's. It was a strangely constituted body. It met in one chamber. Governor Leonard Calvert, the brother of the Proprietary, presided, and his three councillors took their seats as members. All the freemen of the province, who chose to do so, were invited to attend in person, or to send delegates in their place, or to give their proxies to any individual of their own selection, authorizing him to vote for them. Thus was as near an approach made to a purely democratic body, as could well exist, and indeed from the condition of the colony it would not have been easy to form one of a different character. Some of the entries on the journal of the house sound strangely to us at this day. On the first day of their meeting, proclamation was made "that all freemen omitted in the writs of summons, that would claim a voice in the general assembly, should come and make their claim." Whereupon we read that "claim was made by John Robinson, carpenter, and was admitted." On the next day, "came Edward Bateman, of St. Mary's hundred, ship carpenter, and claimed a voice as a freeman, and made Mr. John Lewger, secretary, his proxy." "Also came John Langford, of the Isle of Kent, gentleman, high constable of the said island, who had given a voice in the choice of Robert Philpot, gentleman, to be one of the burgesses for the freemen of that island, and desired to revoke his voice, and to be personally put in the assembly, and was admitted." And so, by this simple process, Edward Bateman, the ship carpenter, by his proxy, John Robinson, the carpenter, and John Langford, the high constable,

were admitted to their seats as legislators, although the last had already voted for a regularly appointed delegate.

It is fortunate, perhaps, that political aspirants, even at this enlightened day, find it not quite so easy to obtain seats in the legislature of the State, either for themselves or their favorite candidates.

The house being at length organized, proceeded to business, and most pressing business it had on hand. For three years the colony had been struggling on in the midst of difficulties. Clayborne, who has been called the evil genius of Maryland, had not only set up a claim to the Isle of Kent, but is charged with having instigated the Indians to hostilities. The colonists were increasing in number, and were gradually extending themselves beyond the settlement at St. Mary's. There was urgent need of laws. They were surrounded by new circumstances, a new social relation, that of slavery unfortunately had, probably even then, sprung up among them, their dangerous Indian neighbors seemed to threaten them, their infant agriculture, commerce and institutions were all sadly in want of laws adapted to their situation. And a greater want in a community cannot well exist. Those who live under a system of just laws duly enforced do not, until deprived of them, appreciate the benefits which they confer. Like the common blessings of water and sunshine, they come to be regarded as things of course, for which no gratitude is due. But if they were suspended for a single day, we should then learn to estimate, more correctly, their importance. The laws, in truth, surround us like the atmosphere, they attend our steps when we walk abroad, and shield our homes from harm when we are absent; by a thousand unseen and unfelt influences, they minister to our comfort, protection and happiness. They are the embodied wisdom of the age which enacts them, its sense of justice speaking in enduring words.

But a serious difficulty stood in the way of the colonists. They had already, two years before, passed a series of laws which in mass had been rejected by the proprietary, and now, in his turn, he had prepared in England, a Code for their government, which they were assembled to ratify and adopt. The question was, would they do it, and important consequences for many years hung upon their decision. It does not appear that the laws proposed were, in themselves, objectionable. The proprietary had at heart the good of the colony, on which he had lavished large sums of money, and it was, doubtless, his desire to promote the welfare of the inhabitants while he protected what he deemed

his own rights.* The colonists, on their part, manifested for him, on various occasions, a high degree of respect and affection. But an important principle was involved. If they yielded to him the privilege of originating all laws, and reserved to themselves a mere negative on such as he might choose to propose, they surrendered, so long as the charter should endure, the dearest and most important right of freemen.

If, on the other hand, they rejected the Code, they must be prepared not only to engage in a serious controversy with their beneficent patron, but to forego the advantages of all legislation for an indefinite period. The matter is very briefly stated, but it is clear from the record, that the sturdy Marylanders did not hesitate for a moment. They could endure, if need were, to go without laws, but not to have laws made for them by another. When the question was taken, the Code of the proprietary was promptly *rejected*, but two of the members present voting for it, and those two were Governor Calvert himself, and Mr. Lewger, his Secretary. It is true that the two increased their vote by the proxies which they held; but I speak of the votes of the members present. Thus early was fought and won, the first battle for civil liberty in Maryland. The head of the popular movement appears to have been Captain Thomas Cornwaleys, one of the Governor's Council, and for a long time a man of note in the colony, and its military leader. It is to be lamented that a more full memorial of this brave soldier and patriot has not come down to us.

The house soon afterwards proceeded to pass laws for itself, but as the bills had not been matured in committee, the Governor proposed an adjournment, in order that the members might attend to their other business, while the bills were preparing. This was opposed by Cornwaleys, who replied significantly, that, "they could not spend their time in any business, better than in this for the country's good."

The bills were at length got ready and passed, forty-two in all, but, as the colonists probably anticipated, they shared the fate of their predecessors, and were in a body rejected by the proprietary. Their titles, however, have come down to us, and show that the fathers of Maryland set themselves in earnest to the great work of legislation. There is a bill providing for the probate of wills, another regulating the descent of land, another in restraint of liquors, and another for the liberties of the

* During the first two or three years of the colony, Cecilius Calvert, the proprietary, expended upon it upwards of £40,000 sterling.—*McMahon*, 197.

people. The colonists being thus deprived of the power of making laws for themselves, neither gave up in despair, nor had recourse to lynch-law, but resorted to a better expedient than either. They claimed that they brought with them, and were to be governed by, all the laws of England which were applicable to their situation, and this claim they never relinquished although the proprietary opposed it, on the ground that a wholesale adoption of the laws of England would interfere with his legislative rights. From this difference of opinion, a controversy arose long afterwards, in the year 1722, which lasted for ten years. As the courts only could decide what laws of England were applicable and what were not, the people of Maryland were advocating a principle, the establishment of which would give a large and somewhat dangerous discretion to the judges, especially, as their appointment and tenure of office rested entirely with the proprietary, but the people greatly preferred to encounter this danger and inconvenience rather than risk the liberties which were enjoyed in the mother country, by surrendering the protection of the laws under which those liberties had grown up. It is a note-worthy circumstance that the most serious controversy which ever arose between the proprietary and the people of Maryland, originated in the assertion by them of their right as English subjects, to be governed by the laws of England. The fact is a high practical testimonial to the substantial character of English liberty, which is the parent stock of our own.

At last both of these questions were determined in favor of the people. It was soon settled* that all legislation should originate in the legislature of the province, and not with the proprietary, but it was not settled until the year 1732, that in cases not otherwise provided for, "the rule of judicature was to be according to the laws, statutes, and reasonable customs of England *as used and practised within the province.*"†

Some time necessarily elapsed before the various departments of government became fully organized, as is singularly illustrated by an anecdote which is related of an early period of the colony. In 1648, a Miss Margaret Brent, on the death of Governor Leonard Calvert, was

* In 1639.

† *McMahon*, 127. From this period until the revolution, the courts continued to exercise the power of adopting and giving effect to such of the English Statutes as were accommodated to the condition of the province, without regard to the inquiry whether they had been practised upon, or enacted previously to 1732. *Ib.* 128.

appointed his administrator, and as the Governor had been the agent of his brother, the proprietary, under a power of attorney from him, it was judicially decided that Miss Brent was duly authorized to act as attorney in fact for the absent proprietary. She is described as having been possessed of a "masculine understanding," and at least appears to have been addicted to masculine pursuits; as she is said "to have been very actively employed in taking up lands, and in affairs of all kinds relating to property." To her great credit it is related, that by her personal influence and by a timely appropriation of a small sum from the estates of the proprietary, of which she had the management, she, on several occasions, pacified the soldiers in garrison at St. Inigoe's fort, who were ready to mutiny on account of the non-payment of their wages. Armed thus with a double right, Miss Brent presented herself before the legislature of the province, which was then in session, and made her application to have two votes in the house, one for herself and another as his lordship's attorney. But although the merit of this remarkable lady and her public services, were on a subsequent occasion handsomely acknowledged by the legislature, yet they probably thought that by granting the request they would establish a precedent, dangerous even at that early day, in favor of female rights, for we are told that the application "was refused peremptorily by the Governor Greene, and that the lady protested in form against all the proceedings of that assembly, unless she might be present and vote as aforesaid." Mr. Bozman, the learned historian of Maryland, endeavors to justify this proceeding on the part of the legislature, but whether successfully or not, I shall not stop to consider. Our Maryland lady, he thinks, may in character be aptly compared to Queen Elizabeth; if this be so, that fact may probably have weighed as strongly with the assembly and governor in the peremptory refusal with which they met her request, as the reasons on which the historian relies in vindication of the ungallant decision.*

I shall not weary you by a detail of the various difficulties which beset the founders of our State, or of the intestine commotions by which they were harassed. The controversies in England between Charles I. and his people, and Cromwell and the parliament, were not without effect on the affairs of the colony, and although strife and commotion were the immediate result, the progress of free principles in England undoubtedly gave an additional impulse to them here.

* 2 Bozman, 323.

It is every where in this country recognized as a fundamental principle of government, that the legislative, executive and judicial functions should be kept separate and distinct, but this wholesome rule was wholly disregarded in the proprietary government of Maryland.

The governor was at first in the habit of summoning by special writs such persons as he thought proper, to sit in the legislative assembly. This was an arbitrary power, liable to great abuse, and it happened that in the session of 1642, the number thus summoned gave the governor a majority over the regularly elected burgesses, thus taking the whole legislation out of the hands of the people. To remedy this inconvenience, the burgesses demanded that the assembly should be divided into two bodies, of which they should constitute the lower house. This reasonable request was at first refused, but about the year 1659, the division was permanently effected. Subsequently to this, the lower house was composed of delegates regularly elected by the people, and the upper house of the governor and his council, and the right of each individual to appear in person or by proxy, wholly ceased. In 1681, the proprietary, by a positive ordinance, restricted the elective franchise to freemen having a small property qualification, and this restriction was continued down to the adoption of the State Constitution, and was incorporated in it.*

The judiciary was strangely blended with the executive, and never became properly independent of it. The governor and his council sat as the High Court of Appeals of the province, and the inferior judges who were appointed by the proprietary, were removable at his pleasure. Still they could on occasions act with firmness and independence, for, in 1765, we find Frederick County Court deciding the British stamp act to be unconstitutional and void, and proceeding in the transaction of business without paying the least regard to its provisions.

The governor was the chancellor of the province, although his previous occupation might have been such, as, according to our notions, to have furnished a very unsuitable preparation for the performance of the responsible duties appertaining to the office. The last colonial governor, Robert Eden, a brother-in-law of the then Lord Baltimore, had previously been a lieutenant in the Coldstream Guards.†

* 2 Bozman, 216, 297 note; McMahan, 449, note S.

† 1 Bland's Rep., 625, note.

The main security for the liberties of the people was in the house of delegates, who alone of the public servants were elected by the people, and who took care so to exercise their powers, as constantly to strengthen the popular cause. They claimed the right of originating all money bills, and an equal rank in point of privilege with the English house of commons. One of the expedients to which they resorted to increase their power, was to pass important laws with a proviso that they were to continue only for short and limited periods, which made frequent sessions of the general assembly, and a constant resort to it for the enactment of indispensable laws, absolutely necessary.

The intention of the charter to establish in Maryland a mixed form of government, of which a hereditary nobility was to be a prominent feature, was overruled by circumstances. Such a class can be sustained only in a country where the ownership of the soil is mainly vested in them, and where the masses are reduced to the condition of tenants, dependent on the landholders for support.* But in Maryland there were vast uncultivated tracts of land, lying in their primitive state, which the proprietary was more anxious to sell than the people were to purchase. Every man who chose, became a landholder, a proprietor in his own right. He had no occasion to look up to any other man for patronage, and still less for support or protection. Labor was the passport to independence and wealth. There was no place then for an aristocracy, for there was nothing to support it. Aristocracy is a plant which flourishes only in the sunshine of courts, here it was an exotic, and it died at once in the shade of our vast forests. So we find that the manors which were actually granted, subsisted only in name, and the lords of manors had, only for a short time, even that unsubstantial existence. The aristocratic provisions of the charter being thus incapable of being carried out in practice, were soon lost sight of by the proprietary, and excited no opposition on the part of the people; but in them the proprietary lost what would have been of material assistance in sustaining him in the exercise of the royal prerogatives with which he was clothed.

The proprietary government established by the charter, lasted, with slight interruptions, down to the American revolution; but long before that event the proprietaries, one after another, had silently relinquished the exercise of those powers which, as set forth in the charter, seemed

* This subject is more fully discussed in Burnap's *Life of Leonard Calvert*, Chapter X.

to threaten the liberties of the inhabitants. They usually resided in England, and in Maryland had no other means of enforcing their authority than through the agency of civil officers, who, although appointed by them, were generally selected from among the people, and shared their feelings and opinions. The charter itself soon became an object of jealousy to the British government, in consequence of the extensive privileges which it lavished on a subject; so that the proprietaries frequently encountered opposition, and seldom received support from that quarter, while, in Maryland, the people opposed a steady resistance to the exercise of every thing approaching arbitrary power. They were uniformly quick in perceiving, and prompt and tenacious in resisting, the slightest infringement of what they considered their rights—which they claimed to be not only those which were conferred by the charter and laws of the province, but all those, in addition, which were enjoyed by English subjects at home. No right or privilege once acquired by them was ever relinquished, but, on the contrary, became a means of increasing their power in all future controversies. The consequence was, that although Maryland continued to have a hereditary executive, it became, in essential matters, republican, and instead of being subjected to an arbitrary government, enjoyed one of mild and equal laws. The people were protected in their persons and property, and the latter was so distributed, that few were found who were either very rich or very poor—a condition of things most favorable to the growth and maintenance of civil liberty.

The discipline which they had undergone during the colonial period, was of incalculable service in the revolutionary struggle in which they were about to engage. They approached that great crisis not with the timid and hesitating steps of novices in public affairs, but with the resolute tread of men who from long experience in matters of government, and by the habit which they had acquired of resisting oppression from whatever quarter it came, and of weighing and judging of their rights, were fully prepared to engage in the fearful strife which awaited them, and, in the event of success, to lay wisely and well the foundations of a free commonwealth. No better proof can be adduced of the progress which the principles of true freedom had made among them, than the wisdom and moderation which they then exhibited.

In illustration of this, I shall for a short time ask your attention to a few of the events which occurred in the town of Baltimore previously to, and in the early part of, the revolutionary war. Although they are

not in themselves of much magnitude or importance, they possess some degree of interest for us, both on account of the local associations connected with them, and because they carry us into the heart, as it were, of a great movement, and show, by the manner in which it was conducted, the reason of the wide difference which exists between the American revolution and every similar occurrence of modern times. The time to which I refer embraces the critical and important period extending over rather more than two years, during which the committee of observation for the town and county of Baltimore sat here, and performed many important functions which, in a regularly constituted government, devolve upon the tribunals and officers of the law.* The province was then in a transition state; for the colonial government had virtually ceased to exist, and another had not yet been established in its place. Society was therefore, in a great measure, resolved into its original elements, and temporary expedients had to be resorted to, until a permanent constitution could be adopted. At the commencement of this period, when, in the face of domestic disorganization, every energy of the people had to be called forth to meet the impending war with Great Britain, the committees of observation came into existence. They were regularly elected by the qualified voters of the province who assembled for the purpose at the different county towns, and were sustained throughout in all their proceedings by the force of public opinion.†

They were, in fact, revolutionary tribunals, acting with vast force and efficiency, and for a time were the main spring of the popular movement.

In common with most of the public servants at that day, they were clothed with large discretionary powers, but they acted under the pressure of a responsibility, which was relied on as a sufficient guarantee against the abuse of the confidence reposed in them. The exigency of the crisis demanded that confidence should be freely bestowed, although in some cases it was withheld, or very reluctantly given. When, for instance, the assembly of South Carolina resolved to appoint deputies to attend the Continental Congress, a proposition was made to instruct their delegates as to the point to which they might pledge the colony.

* I have had the advantage of consulting the original records kept by the committee, which have been kindly lent to me for the present occasion by their owner, Peter Force, Esq., of Washington.

† See Appendix, note 1.

John Rutledge, the eminent patriot and orator of South Carolina, warmly opposed the proposition. But what shall we do, asked its advocates, if these delegates make a bad use of their power? Hang them! was his decided and impetuous reply.* John Rutledge was right, and it was somewhat in the spirit in which he spoke, that the people of Maryland acted, in the authority with which they invested the committees of observation.

These committees originated in a resolve of the Continental Congress, which met at Philadelphia, in September, 1774, in pursuance of which the delegates acting for themselves and the inhabitants of the several colonies which they represented, entered into an association, the object of which, among other things, was to put a stop to all trade with Great Britain and its possessions, to discontinue the purchase and use of East India tea, to encourage frugality, agriculture, arts and manufactures, and to discourage every species of extravagance and dissipation, and especially all kinds of gaming and expensive diversions and entertainments. As part of the plan to carry out this agreement, committees were to be chosen by the qualified voters in every county, city and town, whose business it was attentively to observe the conduct of all persons touching the association, and the names of all persons who violated its articles were to be published in the newspapers, to the end that all such foes to the rights of British America might be publicly and universally condemned as the enemies of American liberty, and that all dealings with such persons might be broken off.

Previously to this,† however, on the 27th of May, 1774, a public meeting had been called in Baltimore, at which the inhabitants had agreed to unite in an association of non-intercourse with Great Britain, had elected a committee to attend a general meeting of delegates from all parts of the province, to be held at Annapolis, and had appointed a committee of correspondence for the city and county of Baltimore.

But the resolve of Congress was intended to create a concert of action throughout the colonies, and the committees of observation thus established were, in Maryland, from time to time, clothed with such additional powers by the Provincial Convention at Annapolis, as were necessary to meet the emergency of the times.‡

* 4 Graham's History of the United States, p. 370.

† See Purviance's Narrative, pp. 12 and 13.

‡ See the Proceedings of the Convention, published in 1836.

They not only exercised all the authority requisite to carry out the measures agreed on by the articles of association established by Congress, but their permission was necessary in many cases before suits could be brought or executions issued. They were empowered to purchase arms and ammunition, and to raise money for that purpose, and others which were specified, by subscription, or in any other voluntary manner. They were authorized to enroll and equip troops, to impose fines not exceeding ten pounds on all disaffected persons who refused to enlist, to disarm such persons, as well as all those who refused to subscribe certain articles of association of the Freemen of Maryland, promulgated by the Provincial Convention, and to exact from non-associators, as they were called, security for their good behavior.

They were required to see that traders did not monopolize goods, or exact unreasonable prices for them; to hold up to public censure and odium those who, by acts or words, manifested hostility to the country, and to arrest, imprison and hand over to the council of safety, those who were guilty of offences calculated to disunite the inhabitants, or dangerous to their liberties.

A part of their duty, was to appoint sub-committees of correspondence, by means of which, at a period when neither the press nor the mails circulated information as rapidly as they now do, intelligence was communicated to every part of the country. When, for example, the harbor of Boston was closed by the arbitrary edict of the British Parliament, the committee of Philadelphia sent the news by express to Baltimore. It excited a determined spirit of resistance here, and the Baltimore committee of correspondence sped the alarming tidings onward to Annapolis, Alexandria, Norfolk, Portsmouth and Charleston.* It passed through the length and breadth of the land, like the fiery cross by which, on a sudden outbreak of war, the Scottish clans were in former times rallied around the banner of their chief; and with similar results. A thrill of indignation and resentment pervaded the whole people, and thus gradually were their hearts prepared for the impending war.

Immediately on the arrival of a vessel at the port of Baltimore, the

* This committee, however, was not appointed by the committee of observation, but at the public meeting, before mentioned, held in Baltimore previously to the election of the latter.—See Purviance's Narrative, p. 13. The incident is referred to here only as an instance of the efficient action of the revolutionary committees of correspondence.

master was required to appear before the committee, and state, on oath, whether or not he had imported goods contrary to the resolve of Congress, which prohibited all trade with Great Britain. If such goods were discovered, as they sometimes were, they were taken possession of by the committee and sold. The cost of the goods and charges, were, out of the proceeds of sale, paid to the importer, and the profits, if any there were, were, in conformity with the recommendation of Congress, remitted to Boston, for the benefit of the poor of that town, who were suffering under the oppression of the Boston port bill. Baltimore, although then a small town containing only about five thousand inhabitants, was engaged in a large and profitable commerce, the interruption of which inflicted a heavy blow on her growing prosperity; but such was the patriotism of her citizens that they cheerfully submitted to it, and fairly carried it out. It is to the credit especially of the mercantile part of the community, who were the greatest sufferers, that they were among the most prominent supporters of the measure: but their sacrifices have not received from posterity the gratitude to which they are justly entitled. The merchant princes of Tyre and of Florence, are inseparably associated in the memories of all, with the former glories of those cities, but the merchant patriots of Baltimore are already almost forgotten in the city where their ashes repose, and by whose fortunes they stood so steadfastly in the hour of her greatest need.

If it was reported that a trader had taken advantage of the necessities of the times to demand exorbitant prices for his goods, he was summoned to appear before the committee, and the matter was investigated. If the charge was proved, and a satisfactory atonement was not at once made, the offender was liable to be published to the world as an enemy of his country; and this was no trivial punishment, for it was equivalent to civil and social excommunication. No good citizen would associate or deal with one who in the time of trial had deserted the cause of American liberty.

The colonies were engaging with fearful odds against them, in a war with the leading power of the world, and it seemed to many here, as well as in Great Britain, that they would be annihilated at a single blow. They had more than a foreign enemy to contend with. In every part of the country there were intelligent and conscientious men, occupying the highest places in society and public office, who could not sympathize with the popular movement, and who held it to be their duty to oppose it as far as they dared. Many were bound to the parent

country by the closest ties of relationship and affection, and there was then, moreover, as there always is in every community, a strong conservative force which upholds the established order of things whatever it may be, because it is established. To this class belong the timid, the prudent, the selfish and unenterprising, and not a few of those who have much to lose and little to gain by change. There is always beside a baser crew, which on the first outbreak joins the popular side, but in the hour of danger can only be kept in the ranks by the fear of the fate which awaits deserters. Some, but not many of all these classes there were in Baltimore, and with them the committee had to deal. In a war like that of the revolution, whoever is not for it is against it, and the most dangerous enemies are those, who while they take no active part in the strife, occupy themselves in sowing seeds of disaffection and discontent, and by their influence and example, operate on the fears and scruples of the timid and vacillating. An unpublished letter of General Washington, which has been placed in my hands by a gentleman of this city,* contains some pointed remarks on this subject. It is dated on the 6th of June, 1777, from his head quarters at Middlebrook, and is addressed to Major Apollon Morris, of Philadelphia, who appears to have been what was called in the language of that day, a neutral character, but which was generally understood to mean an enemy in disguise. "I must," says General Washington, "tell you in plain terms, that at this time a neutral character is looked upon as a suspicious one; and I would therefore advise you to leave a country, with the majority of whom you cannot agree in sentiment, and who are determined to assert their liberties by the ways and means which necessity, and not the love of war, has obliged them to adopt."

As in times of public commotion, martial law may rightfully supersede the office of the civil magistrate, so, on occasions of extreme peril, even liberty of speech may have to yield to the exigency of public safety. The Baltimore committee did not hesitate to act on this principle, and for the first application of it they selected a man who occupied a prominent position in the community. Information was given to them that the Rev. Mr. Edmiston† had publicly approved of the Quebec bill, and had also publicly asserted that all persons who mustered were guilty of treason, and that such of them as had taken the oath of alle-

* Brantz Mayer, Esq.

† Mr. Edmiston was the pastor of St. Thomas' Parish, in Garrison Forest, Baltimore county.

giance to the king of Great Britain, and afterwards took up arms, were guilty of perjury. The committee decided that such declarations had a tendency to defeat the measures recommended for the preservation of America, and that it was their duty to take notice of persons guilty of such offences. Whereupon, a copy of the charge was sent to Mr. Edmiston, and he was summoned to appear before them, which he accordingly did. After taking two hours to consider the matter, he admitted that he had spoken the words, but excused himself by alleging that they were uttered in the heat of political excitement. He explained away, as well as he could, the offensive charge contained in them, and solemnly promised in writing, to avoid, for the future, all similar cause of offence. The committee were satisfied with the apology and promise, and Mr. Edmiston was effectually silenced.

Soon afterwards the case of a man named James Dalglish was brought before the committee. He had, on different occasions, manifested, in offensive language, his hostility to the country, and expressed an intention of joining the British forces. The committee "resolved that he had discovered an incurable enmity to his country, and that it was dangerous to the common cause to encourage a person of such principles;" and they accordingly "published him to the world, as an enemy of the liberties of Americans." After this we hear no more of James Dalglish. A man thus stigmatized, was stripped of the power to harm. Further punishment was unnecessary. A stain was imprinted on his name which he carried with him wherever he might go.

But the committee did not rely wholly on moral suasion, or the force of public opinion, though it was seldom that any thing more efficient was required. If other means became necessary, it was not difficult to obtain a file of soldiers to enforce their decisions. And the name of a young officer, on whom special reliance seems to have been placed, appears more than once on the records of the committee. When its bold and able chairman, Mr. Samuel Purviance, undertook, on his own responsibility, and rather irregularly it must be confessed, to seize the person and papers of Governor Eden, the last proprietary governor of Maryland who was still living at Annapolis, though no longer in the exercise of his office, this young officer was selected to take charge of the enterprise. It failed through no fault of his, but because the zeal of the chairman of the Baltimore committee, overran the limits of prudence marked out by the authorities at Annapolis. They suffered the governor to depart in peace. The officer to whom I allude, was then

Captain Samuel Smith. Subsequently, he earned for himself an honorable place in his country's history, and his name is inseparably connected with the annals of this city, which he defended in 1814, as commander-in-chief against the British forces, and of which he was subsequently elected chief-magistrate. Those among us who marked the courage and fire which, at the advanced age of eighty-three, the veteran General Smith, then a private citizen, displayed, when in 1835 he was summoned in haste from Montebello, his country residence, to quell a frightful mob which had well nigh obtained possession of the city of Baltimore,* will know that in the youthful Captain Smith, the Baltimore committee had one to rely on who could not be turned aside from his purpose by fear or favor, while he was engaged in the service of his country.

The committee felt it especially incumbent on them to denounce the use of tea, but to banish this article was a work on which they required the co-operation of those against whom neither their best soldiers, nor public denunciation could avail. As wise and experienced men they knew that conciliation will often prevail where a command would only offend, and, therefore, they mildly and persuasively address the ladies of Baltimore, as follows: "However difficult," say the committee, "may be the disuse of any article which custom has rendered familiar and almost necessary, yet they are induced to hope that the ladies will cheerfully acquiesce in this self-denial, and thereby evince to the world a love to their friends, their posterity and their country." It is to be feared, however, that this advice was not always followed, for there is a tradition, which I have often heard, current in the family of a sturdy patriot, an ancestor of my own, who was a member of the committee, that the forbidden beverage frequently made its appearance even at his table, but, as it was always served in the coffee pot and poured out under the name of coffee, which he did not drink, and as he took instead of tea a cup of milk and water which was provided for him, neither the committee man, nor the community was the wiser, and his daughters thought that no great harm was done. It must not be supposed, however, that these ladies were deficient in patriotism. On^l the contrary, they cheerfully bore their share of the hardships and privations of the war, and, in common with the rest of the ladies of Baltimore, helped

* See Appendix, Note 2.

with their own hands to clothe the destitute soldiers whom, in 1781, La Fayette was leading to take part in the Virginia campaign.*

The committee sat, as I have said, for more than two years, during which period they exercised a large and somewhat indefinite power over the persons and property of the people, encountered and overcame domestic opposition, gave a powerful impulse to the war, and, when the town was threatened by the enemy, were mainly instrumental in putting it in a state of defence. Their records are not stained by a single act of violence or oppression. The highest fine which they inflicted, did not exceed £10 and seldom reached that amount, and only in a few instances did they exercise their power of making arrests, or of publishing in the newspapers the names of those who had manifested hostility to the cause of the country. Their proceedings, when contrasted with the bloody atrocities which characterized the revolutionary tribunals of France in the last century, demonstrate, as forcibly as any thing can, the wide difference between the people of the two countries, in their fitness for the enjoyment of civil liberty.†

The citizens of Baltimore, on their part, submitted with alacrity and cheerfulness to the control exercised by the committee, and, throughout the war, were honorably distinguished for their devotion to the cause of their country. They performed their full share in achieving its independence and in the establishment of the free institutions, state and national, under which we live.

* La Fayette, on his way to Virginia, passed through Baltimore, where he was hospitably entertained. The incident alluded to is thus related in McSherry's *History of Maryland*, p. 299. "Being invited to a ball, he was there remarked to be grave and sad. On being questioned by the ladies, as to the cause of his gloom, he replied, that he could not enjoy the gaiety of the scene, whilst his poor soldiers were without shirts and destitute of the necessaries of a campaign. 'We will supply them,' exclaimed these patriotic women. The pleasures of the ball-room were exchanged for the needle, and, on the next day, they assembled in great numbers to make up clothing for the soldiers out of materials advanced by their fathers and husbands."

General La Fayette preserved through life a grateful sense of the assistance thus generously rendered. On his visit to Baltimore in 1824, when the surviving officers and soldiers of the revolution were introduced to him, he remarked to a gentleman near him, "I have not seen among these, my friendly and patriotic commissary, Mr. David Poe, who resided in Baltimore when I was here, and out of his own very limited means supplied me with five hundred dollars to aid in clothing my troops, and whose wife, with her own hands, cut out five hundred pairs of pantaloons and superintended the making of them for the use of my men." On being informed that Mr. Poe was dead, but that his widow was still living, the General expressed an anxious desire to see her. The venerable lady heard this with tears of joy, and, on the next day, an interesting and touching interview took place between them.—*Niles' Register of 24th October, 1824.*

† See Appendix, Note 3.

We, of this generation, have received those institutions by direct inheritance, but like ungrateful heirs we too often forget the source from which they were derived. Towards such institutions the human race, through centuries of toil, has been gradually struggling upward and onward against oppressions, discouragements and disappointments innumerable. Every inch of ground has been won by hard contest against steady opposition, and whole generations have passed away without perceptible progress having been made. In vain efforts to hasten their advent, thousands of brave hearts have shed their blood in battle, or, less fortunate, have broken in dungeons in despair. To us they have descended by the accident of birth, not as our own property which we may waste or destroy, but as a sacred trust which posterity will demand at our hands, in all their integrity as we have received them.

They are not perfect, because they are the work of imperfect men and by such are administered; but it is one of their chief excellences that they are not cast in an unalterable mould, and that they embody no evils which time may not remedy. Time, according to Lord Bacon, is the greatest of all innovators, and he who would innovate wisely, must imitate time. The Creator himself deals thus with evil, an enemy and intruder though it be in his universe, patiently he bears with it, and is content to banish it at last by slow degrees and by the beneficent agency of good. But fanaticism will not wait a single day nor hour. Driven onward by the suggestions of its own ungoverned passions, which it mistakes for the whisperings of a divine voice, it engages in a fierce crusade against some one evil which it is determined to exterminate, although to do so it may first be necessary to perpetrate a crime. Thus a faction at the North would rend asunder the sacred ties which bind this people together for a senseless Wilmot Proviso, and a faction at the South would do the same thing for an equally senseless Slavery Proviso.

We have studied the lessons of the past in vain, if they do not teach us that civil liberty and all that is most valuable in the institutions under which we live, rest for their surest support and protection on the preservation of the Union. But for it, this country would have continued to this day a remote and feeble dependency of the British empire. The thirteen disunited colonies have grown to be thirty united States. If union was necessary once as a defence against the oppression of the mother country, it is incalculably more necessary now as a protection against domestic commotion and fraternal strife. There are, happily,

some things which are felt to be degraded by an attempt to subject their worth to the cold process of calculation, and among these should be numbered all that pertains to the honor and welfare of our common country. Unless we have some standard by which we can estimate the loveliness of peace and the wretchedness of war, the glory of national honor and the shame of national disgrace, the gain of progress and the loss of decline, it is in vain for us to attempt to calculate the value of the Union.

With us, here, the effort has never yet been made, and we may hope that it never will be. Even although the love of others should grow cold, it is natural and fitting that Maryland, which has been called the Heart State, because her place is in the very bosom of the Union, should cherish in her heart of hearts a loyal devotion and an unchanging affection for that Union which has been to her the source of countless blessings, by which the great achievements of the past have been accomplished, and through which alone the auspicious promises of the present can be fulfilled.

APPENDIX.

NOTE 1 TO PAGE 20.

A MEETING of the qualified voters of Baltimore county and town was assembled, after public notice, at the Court House, on Saturday the 12th of November, 1774.

Andrew Buchanan was chosen Chairman, and Robert Alexander, Clerk. The following persons were chosen the Committee of Observation :

FOR BALTIMORE TOWN.

Andrew Buchanan, Robert Alexander, William Lux, John Moale, John Merryman, Richard Moale, Jeremiah Townley Chase, Thomas Harrison, Archibald Buchanan, William Smith, James Calhoun, Benjamin Griffith, Gerard Hopkins, William Spear, John Smith, Barnet Eichelberger, George Woolsey, Hercules Courtenay, Isaac Griest, Mark Alexander, Samuel Purviance, Jun'r, Francis Sanderson, John Boyd, George Lindenberger, Isaac Vanbibber, Philip Rogers, David McMechen, Mordecai Gist, and John Deaver.

FOR BALTIMORE COUNTY.

Hundreds.

Patapsco, Lower—Charles Ridgely and Thomas Sollers.

Patapsco, Upper—Zachariah McCubbin, Charles Ridgely, son of William, and Thomas Lloyd.

Back River, Upper—Samuel Worthington, Benjamin Nicholson, T. C. Deye, John Cradock, Darby Lux and William Randall.

Back River, Lower—John Mercer and Job Garretson.

Middle River, Upper—Nicholas Merryman and William Worthington.

Middle River, Lower—H. D. Gough and Walter Tolley, Sen'r.

Soldier's Delight—George Risteau, John Howard, Thomas Gist, Sen'r, Thomas Worthington, Nathan Cromwell and Nicholas Jones.

Middlesex—Thomas Johnson and Maybury Helm.

Delaware—John Welsh, Rezin Hammond and John Elder.

North—Jeremiah Johnson and Elisha Dorsey.

Pipe Creek—Richard Richards, Frederick Decker and Mordecai Hammond.

Gunpowder, Upper—Walter Tolley, Jun'r, Jas. Gittings and Thos. Franklin.

Mine Run—Dixon Stansbury, Jun'r, and Josiah Slade.

And the following resolutions were passed :

Resolved, That the same, or any seven of them, have power to act in matters within the town of Baltimore, and that any five may act in matters, without the said town, in the said county.

Resolved, That T. C. Deye, Capt. Charles Ridgely, Walter Tolley, Jun'r, Benjamin Nicholson, Samuel Worthington, John Moale, Doctor John Boyd, and William Buchanan, or any three of them, be a committee to attend the General Meeting at Annapolis, on Monday, the 24th of this month.

Resolved, That Robert Alexander, Samuel Purviance, Jun'r, Andrew Buchanan, Doctor John Boyd, John Moale, Jeremiah Townley Chase, William Buchanan and William Lux, be a Committee of Correspondence for Baltimore county and Baltimore town, and that any four of them have power to act.

At a subsequent meeting of the voters of Baltimore county and town, held at the Court House on the 16th of January, 1775, the following persons were added to the Committee of Observation :

FOR BALTIMORE TOWN.

James Sterett, Charles ^{W.}Ridgely, Jun'r, William Goodwin, Dr. Charles Weisenthal and Thomas Ewing.

FOR BALTIMORE COUNTY.

Hundreds.

- Patapsco, Lower—Charles Rogers, John Gorsuch, William McCubbin, William Wilkinson, Thomas Todd.
 Patapsco, Upper—James Croxall, John Ellicot, Edward Norwood.
 Back River, Upper—John Cockey, Edward Talbot, Joshua Stevenson, Edward Cockey and Ezekiel Towson.
 Middle River, Upper—Benjamin Rogers, Robert Cummings, Benjamin Buck, Joshua Hall, Gist Vaughan, Benjamin Merryman.
 Back River, Lower—George Mathews, John Buck.
 Middle River, Lower—Moses Galloway, George Goldsmith Presbury, Abraham Britton and Nicholas Britton.
 Soldier's Delight—Thomas Cradock, Charles Walker, Samuel Owings, Jr. Christopher Randall, Jr. Benjamin Wells.
 Middlesex—Jacob Myers, Richard Cromwell, Thomas Rutter.
 Delaware—Christopher Owings, Benjamin Lawrence, Nicholas Dorsey, Jr.
 North—John Hall, Stephen Gill, Jr.
 Pipe Creek—John Showers, George Everhart.
 Gunpowder, Upper—Samuel Young, Jesse Bussey, Thomas Gassaway Howard, James Bosley, William Cromwell, Zaccheus Barret Onion.
 Mine Run—Edmund Stansbury, John Stevenson, Daniel Shaw, William Slade, Jr. Joseph Sutton, John Stewart.

At a subsequent meeting, held on the 18th of May, 1775, the following persons were added to the Committee :

FOR BALTIMORE TOWN.

Daniel Bowley.

FOR BALTIMORE COUNTY.

Hundreds.

Middle River, Lower—John German, William Andrews, Edward Day,
William Allender.

Patapsco, Upper—Zachariah McCubbin.

Soldier's Delight—Doctor William Lyon.

This Committee served until the month of September in the following year, at which time a new election for Committees of Observation was held in the several counties throughout the Province, in pursuance of a resolution of the Provincial Convention, at Annapolis, which limited the number of the Baltimore Committee to thirty-seven.

The following is an extract from the records of the Committee:

“SATURDAY, 23 September, 1775.

“The poll for electing a Committee of Observation for this county, (Messrs. Robert Alexander, Jere. T. Chase, Thomas Harrison, John Moale and Wm. Buchanan, five of the delegates for this county in the late Provincial Convention, being judges of the election,) was this day closed, and the following gentlemen declared duly elected, viz :

- | | |
|---------------------------------|--------------------------------|
| 1. John Moale, | 20. John Smith, |
| 2. Jeremiah Townley Chase, | 21. Zachariah McCubbin, Jun'r. |
| 3. James Calhoun, | 22. Capt. Charles Ridgely, |
| 4. Benjamin Nicholson, | 23. Thomas Harrison, |
| 5. Andrew Buchanan, | 24. Benjamin Griffith, |
| 6. Thomas Sollers, | 25. William Randall, |
| 7. John Cradock, | 26. Thomas Gist, Sen'r. |
| 8. James Gittings, | 27. Stephen Cromwell, |
| 9. Robert Alexander, | 28. Isaac Griest, |
| 10. Samuel Purviance, Jun'r, | 29. Thomas Cockey Deye, |
| 11. William Wilkinson, | 30. Mordecai Gist, |
| 12. Charles Ridgely, son of Wm. | 31. John Stevenson, |
| 13. Walter Tolley, Jun'r, | 32. Ezekiel Towson, |
| 14. Darby Lux, | 33. Jeremiah Johnson, |
| 15. John Cockey, | 34. William Asquith, |
| 16. William Smith, | 35. John Eager Howard, |
| 17. William Buchanan, | 36. George Risteau, |
| 18. William Lux, | 37. Abraham Britton. |
| 19. John Boyd, | |

“And the following gentlemen were chosen Provincial Delegates, to continue for one year, viz :

Robert Alexander,	Walter Tolley, Jun'r,
Benjamin Nicholson,	Jeremiah Townley Chase.
John Moale,	

“ N. B.—The poll was kept open eleven days to give every freeholder and freeman full and sufficient time to vote.”]

The following persons of those elected as above, declined to serve :

Thomas Cockey Deye, William Smith, Ezekiel Towson, William Randall, Stephen Cromwell and Jeremiah Johnson. Mordecai Gist became disqualified by the acceptance of a commission as Major in the regular forces, raised by order of the Convention.

The Committee, therefore, on the 4th of March, 1776, filled up the vacancies by electing the following persons :

John Gillis, Frederick Decker, John Merryman, Jr. John Sterrett, Gist Vaughan, Thomas Rutter, Samuel Worthington.

Capt. Charles Ridgely also resigned, but it does not appear that the vacancy thus created was filled by the appointment of another person in his place.

The last meeting of the Committee, elected on the 23d of September, 1775, so far as appears from the minutes, was held on the 12th of Oct., 1776.

The Bill of Rights and Constitution of the State of Maryland were completed and adopted by the Provincial Convention on the 3d of November, 1776, but as some time must necessarily elapse before the Government thus organized could go into full operation, the Convention, on the 11th of November, 1776, directed that new Committees of Observation should be elected for the different counties, with the same powers which they previously possessed, and that they should continue to act until the 10th of March next ensuing.

The records to which I have had access, contain no reference to the election of a Committee under this resolution, or of their proceedings.

NOTE 2 TO PAGE 26.

A more striking instance than the one referred to, could hardly be found, of the influence which, in a time of danger, may be exerted by an individual of strong will and of known conduct and courage. The Bank of Maryland had failed disgracefully, inflicting heavy and widely diffused losses on the people of Baltimore. A deep and just indignation was felt throughout the community, which was artfully directed against certain individuals who had been connected with the bank as directors or otherwise, and who were wrongfully suspected of a participation in the fraudulent conduct by which it had been ruined. Encouraged and sustained by this feeling, a mob threatened to destroy the houses of the obnoxious individuals. The city authorities had ample notice, but they made the fatal mistake of attempting to quell the outbreak by a show of force, without the reality. Citizens who were called on to defend the threatened houses, had wooden batons placed in their hands, and the use of arms was strictly forbidden. But the rioters were not to be thus overawed, and the defenders, of course, had the worst of the conflict which ensued. Bricks and stones were showered upon them and many were seri-

ously injured, until, at last, recourse was had to fire-arms, by which a number was killed and wounded, and the mob was subdued for a single night. But, on the next day, the use which had been made of weapons was denounced by those who should have sustained it, and the rioters became bolder and intent on greater mischief. Various houses were destroyed, the lives of many individuals were threatened, and for twenty-four hours civil authority was completely at an end in Baltimore. No one could tell what acts of violence would next be perpetrated, but the city was filled with rumors of meditated outrage. At this crisis, a few individuals called a meeting of the citizens at the Exchange, but when they came together they had no leader, and were uncertain how to act. A proposition was made and adopted to send for Gen. Smith, who was then at his country seat, two miles from the city, and the meeting waited with anxiety for his arrival. He came with alacrity, and his presence wrought an instantaneous change in the state of affairs. There was no longer any doubt, fear or uncertainty. He would allow no time to be lost in framing resolutions, and making speeches, and would hear of no temporizing with those who were setting all law at defiance. A leader had been found, who, aged as he was, at once took the direction into his own hands. In a few energetic words he insisted that an armed force should at once be organized, and that the rioters should be put down by force if necessary; but, he maintained, that they would not dare to attempt resistance. His plan was adopted by acclamation, and the meeting marched at once in a column with him at its head, to the neighborhood of the Washington monument, where it was organized into companies, who chose their own leaders. Arms were brought out from every receptacle where they could be found, and were in many instances placed in hands which had never used them before. Hundreds flocked to the rescue, and in a few hours, and for many nights afterwards, the whole city was patrolled by armed defenders ready to put down the mob, and anxious to find one. But none appeared. It vanished out of existence the moment that a competent force with a courageous leader was prepared to oppose it.

NOTE 3 TO PAGE 27.

The following extracts from the Minutes are given to illustrate more fully the manner in which the committee performed some of the various duties assigned to them.

The committee were watchful to protect the morals of the people, so far as lay in their power.

At a meeting on the 10th of April, 1775, the following resolution was passed:

“*Resolved*, As the fairs usually held at Baltimore town are hurtful to the morals of the people and are a species of extravagance and dissipation which are forbid by the Continental Congress, that the committee of correspondence be directed to give public notice to the inhabitants of the town and county, that the committee advise them not to erect any booths, or be in any manner

concerned in countenancing the holding said fair during the continuance of our public distractions.”

Complaint having been made to the committee, that a certain John Burns kept a billiard table, and that shuffle-boards are kept at John Smith’s and at Abraham Gorman’s, at all of which houses encouragement was given to gaming, and great disorders committed to the injury of the militia and the sailors and mariners employed in the public service as well as others, and the same being contrary to the regulations and resolves of the honorable, the Continental Congress, it was on the 17th of June, 1776,

“*Resolved*, That the chairman issue his summons for the said persons to attend the committee on the following day to answer the complaints alleged against them.”

This summons probably had the desired effect of abating the nuisances in question, as no further action appears to have been taken by the committee in the matter.

A night watch for the town of Baltimore being found necessary, it was supplied by the public spirit of the inhabitants and the organization thereof was made by the committee, as appears by the following extract from their minutes.

“At a meeting of the committee on the 26th June, 1775, present Mr. SAMUEL PURVIANCE, Chairman, and forty-two members. WILLIAM LUX, Sec’y.

“The inhabitants of Baltimore town having found it absolutely necessary to establish a nightly watch in the said town, for the preservation of their property from robbery or fire, as well as to prevent any hostile attempts in this time of public confusion, and having had several meetings to digest a proper plan for the purpose, they unanimously agreed to recommend the same to the committee for their approbation and superintendence, which being done the committee highly approved of the measure. And a subscription being signed by every inhabitant, wherein he obliges himself to conform to the regulations adopted, and to attend personally, or provide a sufficient man in his room, which said man, so provided, to be a subscriber, or to pay seven shillings and six pence. The committee received the said subscription, and divided the subscribers into six companies for the Town, and one company for the Point, and then directed a general meeting of the subscribers to elect a captain for each company, which being done, the following gentlemen were returned, viz.

JAMES CALHOUN,	1st,	BARNET EICHELBERGER,	4th,
GEORGE WOOLSEY,	2nd,	GEORGE LINDENBERGER,	5th,
BEN’N GRIFFITH,	3rd,	WILLIAM GOODWIN,	6th,

for Baltimore Town, and ISAAC VANBIBBER for the Point. But his district being thought rather too extensive, the committee thought it necessary to appoint JESSE HOLLINGSWORTH and GEORGE PATTEN to assist him in the arrangement of the watch.

“The committee then determined that the said watch shall consist of sixteen persons under the direction of a captain, to be appointed for the night, and that they shall patrol the streets from 10 o’clock at night until day-light next morning, and that the companies take it in rotation.”

The following is a specimen of the manner of proceeding of the committee when complaint was made that goods were sold at exorbitant prices.

“Cornelius Garrison lodged an information before the committee against Messrs. Usher & Roe, charging them with having sold to him, the said Garrison, certain goods at a higher price than he had usually paid for them, and that they had sold the same kind of goods to himself and others some time ago at a much lower rate than he had now paid. Mr. Roe appeared to answer this charge, and said that Mr. Garrison had asked him for certain buttons which he confesses he had formerly sold to Mr. Garrison and others, at 2s. 6d. per dozen, but for which he now asked 3s. 6d. not being willing to sell the buttons, without, at the same time, selling some cloth to which they matched, but that he did at length agree to let Mr. Garrison have them at the price he formerly sold them. Mr. Garrison departed, and soon after returned and took the buttons from a young man who attended in Messrs. Usher & Roe’s store, who insisted on having 3s. 6d. for them per dozen, which said Garrison paid. But as soon as Mr. Roe understood what his clerk had done, he called after Mr. Garrison with an intention to return him his money, but Mr. Garrison refused to return. Mr. Roe afterwards sent the money to said Garrison but he declined accepting it, choosing rather to lodge a complaint to the committee for the imposition. From the above representation it appeared to the committee that the same kind of goods have been incautiously sold at Messrs. Usher & Roe’s store at different prices, and, in this instance, above the limitations ascertained by the Provincial Congress—but as it appears to have happened by mistake of their clerk, and as Mr. Roe offered immediately to rectify the mistake, the committee thought proper to dismiss the complaint, with a caution to Messrs. Usher & Roe that they be more careful in future in giving cause for the like complaints.”

The committee endeavored to sustain the paper currency issued by the Province. Information having been lodged against Mr. James Moore, of Gunpowder, for refusing to take money issued by the Provincial Convention, tendered to him by Mr. Nathaniel Britain, the committee on the 29th of January, 1776, “*resolved*, that Messrs. Moore and Britain be summoned to attend on Monday next.”

“On the 12th of February, 1776, Mr. James Moore appeared according to summons, and Messrs. Nathaniel Britain, Tunis Titus, and Jesse Bussy, appeared as evidences against him, all and each of whom being sworn, deposed, That Mr. Jas. Moore had refused to take bills of credit emitted by the Provincial Convention, when tendered to him, alleging that he was afraid they would not pass, else he should have no objection, and that the said James Moore had asserted, that he would not pay any tax towards the support of American measures, and that he thought all those who had taken the oaths of allegiance and mustered, when holding a place under government, guilty of perjury and rebellion. It being represented by Mr. Gittings, that Jesse Williams was a material witness on the occasion, it was *resolved*, that the further examination of this affair be postponed until Monday next, Mr. William Lux being security for Mr. Moore’s attendance.”

“Mr. James Moore, agreeable to promise, appeared again before the committee on the 19th of February, and, (after admitting the veracity of the charges exhibited against him in the depositions of Messrs. Nathaniel Britain, Jesse Bussy and Tunis Titus, taken before the committee,) voluntarily signed the following recantation :

“Whereas, I the subscriber, have unfortunately and inadvertently been guilty of actions tending to depreciate the currency emitted by the Convention of this Province, for the express purpose of defending those inestimable privileges transmitted to us by our ancestors, and expressed an aversion to pay any taxes for sinking said currency, and other ways discouraged people from mustering, enrolling and associating, but am now satisfied and convinced that such conduct is highly unbecoming the duty of an American, and tends immediately to obstruct the measures calculated to preserve the liberties of this country from the cruel and unrelenting oppressions of the British ministry, do most sincerely acknowledge the heinousness of such offence, beg pardon of my countrymen, and do hereby solemnly engage and promise not to be guilty of a like offence in future, but to conform to such measures as shall be adjudged necessary by the Continental Congress, or Conventions of this Province, for the preservation of the rights of America. As a further atonement for my misconduct, I request this acknowledgment to be published, in hopes it may deter others from committing the like offence. Witness my hand this 19th of February, 1776.

JAMES MOORE.”

Whereupon it was “resolved that the above is satisfactory.”

The following energetic proceedings were taken against Mr. Francis Sanderson, who had been elected a member of the first committee of observation, but who afterwards gave great offence by the manifestation of tory principles, and by accepting an appointment from the Proprietary government to the office of a justice of the peace, after those who had been previously in the commission had been summarily dismissed from office on account, it would seem, of their taking sides with the popular movement.

“May 8th, 1775. Mr. Francis Sanderson, once a member of this committee, but who, for some time past, had neglected his duty, by refusing or declining giving attendance at their meetings and other exceptionable conduct, did this day again unexpectedly appear among them. The committee reflecting on his late conduct, and uncertain as to the design of his coming among them at so critical a juncture, plainly informed Mr. Sanderson of their sentiments, that they could not but suspect a man of so variable principles and questionable conduct—that as matters of great moment frequently were agitated among them, they did not think it prudent or safe for them to sit in council with a person in whom they could have no confidence, and that therefore they would wish him to withdraw himself from the committee, till the sense of the county should be known concerning him at a future election.

“Mr. Sanderson declared that he was sensible of the impropriety and mistakes of his late conduct, but was now heartily disposed to concur in every measure that his countrymen should adopt for the preservation of their rights—that in the meantime he acquiesced in the intimation of the committee, and would, for the future, so conduct himself as, if possible, to recover the good opinion of his countrymen, and convince them of the sincerity of his present declarations.”

The voters of the town and county were assembled on the 18th of May, 1775, “when the proceedings of the committee on the 8th of May, respecting Mr. Francis Sanderson, were read to the freemen of the county now convened, and their sentiments taken on the propriety of the committee’s request to Mr.

Sanderson to decline acting as a committee man, till the sense of their constituents should be known on the matter; the freemen having heard what Mr. Sanderson had to offer, unanimously approved of the committee's prudent conduct, and do further resolve that until Mr. Sanderson shall give unequivocal evidence of his sincere attachment to the cause of his injured country, by a steady and uniform acquiescence in every measure which has or may be generally adopted for her preservation, they cannot approve of him as a man to act for them in committee, leaving it to the committee to determine how far he is otherwise entitled to public favor. The committee accordingly, (the business of the county having been finished,) fifty-two members being present, proceeded to consider and judge of Mr. Sanderson's case; and were of opinion, that as he had already acknowledged to the committee his error and late misconduct, and was sincerely sorry for the same, and was now willing to satisfy his countrymen by a public declaration of his present political opinion, as contained in a paper which he handed in, Mr. Sanderson be restored to the good opinion of his countrymen."

The paper handed in by Mr. Sanderson, was as follows :

"I hereby declare that I have resigned the office of a Justice of the Peace for Baltimore county, being now sensible that my appointment to that office, with others, in the manner, and at the time the same was done, was disagreeable to my friends, and tended to injure the cause of my distressed country. I further declare my readiness to engage heartily in the measures now carrying on for the preservation of American liberty, and for that purpose I have contributed to the purchase of arms and ammunition, and also to the poor of Boston and enrolled myself a soldier in a company of militia; and I trust my future conduct will evince the sincerity of my present declarations, and restore me to the favor and esteem of my countrymen, an event most ardently wished for by

FRANCIS SANDERSON."

But Mr. Sanderson, encouraged probably by the success of the British forces in New York, sometime afterwards again brought himself into trouble, as appears by the following extract from the minutes of the committee :

"At a special meeting of the committee on Saturday, 12th October, 1776—Present: Samuel Purviance, Chairman, William Lux, Vice-Chairman—W. Buchanan, B. Nicholson, T. Rutter, W. Asquith, J. Callhoun.

"Information being given to the committee, on oath, by Mr. David Evans, that Francis Sanderson had, in a conversation with him, spoken words 'tending to disunite the good people of this State, in the present opposition to Great Britain,' by order of the committee, 12th October, 1776, Francis Sanderson is required to attend this committee at Mr. Purviance's immediately, to answer a complaint exhibited against him for several words spoken by him, and tending to disunite the people of this State in their present opposition to Great Britain, and, in case he don't attend, Captain Cox is directed to bring him by force.

Per order

W. L., V. Chr'n.

"The said Francis Sanderson appeared in consequence of the warrant, and having nothing to offer in vindication of the charge, he was committed to

the custody of the guard for this night, in order to be sent to the Council of Safety, agreeably to the resolves of the Convention, in July, 1775.

Attested,

GEO. LUX, Sec'y."

The Council of Safety appear to have referred the case to the Provincial Convention, then in session at Annapolis, by which body the following proceedings were had :

" October 16, 1776. The Convention met.

" On reading a letter from Samuel Purviance, Jr., chairman of the committee of observation, from Baltimore county, respecting the conduct of Francis Sanderson, the same was taken into consideration, and the said Francis Sanderson called before the Convention, and on the examination of several witnesses, and hearing him in his defence,

" On motion of Mr. Paca, the question was put, That the said Francis Sanderson is guilty of delivering sentiments tending to discourage the American opposition to the hostile attempts of Great Britain ; that therefore he be reprimanded at the bar of this house by the president ; that he give bond in the penalty of one thousand pounds, with good security, to be approved of by the committee of Baltimore county, to the president, conditioned, that he will not hereafter speak or do any matter or thing in prejudice or discouragement of the present opposition ; that he pay all the expenses incurred on account of his being apprehended, guarded, and brought to this Convention, and that thereupon he be discharged. Resolved in the affirmative."

" Francis Sanderson was then called to the bar of the house, and reprimanded accordingly."

The Committee manifested great energy and judgment in all their proceedings, and especially in enrolling and arming troops, accumulating munitions of war, and in placing the town of Baltimore in a condition of defence when in March, 1776, it was threatened with an attack from the enemy ; but a further selection from the minutes would swell this Appendix to an unreasonable size. The object of the insertion of the extracts which have been given, has been to gratify a reasonable curiosity, which has been expressed, to see in print the names of those in Baltimore who were prominent in the early revolutionary movement, and to exhibit the calm, determined and business-like manner in which a committee—chosen indiscriminately from the various walks of life, and responsible for all their proceedings to the people whose sentiments and feelings they represented—deliberated and acted in the very dangerous and difficult emergency in which they were placed, and the moderation and ability with which they exercised the large and somewhat indefinite powers with which they were clothed.

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